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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-fifth session
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Item 6 of the provisional agenda
Implementation of articles 21 and 22 of the Convention on the Elimination of All Forms of Discrimination against Women

Reports by specialized agencies on the implementation of the Convention in areas falling within the scope of their activities

Report by the International Labour Office*

Summary

In accordance with article 22 of the Convention on the Elimination of All Forms of Discrimination against Women, the specialized agencies of the United Nations have been invited to submit to the Committee on the Elimination of Discrimination against Women, at its sixty-fifth session, reports on the implementation of the Convention in areas falling within the scope of their activities.

* The present document was submitted late owing to delayed inputs from other sources.

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I. Introduction

1. The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination against Women are dealt with in a number of conventions of the International Labour Organization (ILO). Of the 189 Conventions adopted so far, the information in this report relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 172 member States;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 173 member States;
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 44 member States.

2. Where applicable, reference is made to a number of other Conventions that are relevant to the employment of women:

Forced labour

- Forced Labour Convention, 1930 (No. 29)
- Protocol of 2014 to the Forced Labour Convention, 1930
- Abolition of Forced Labour Convention, 1957 (No. 105)

Child labour

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Freedom of association

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

Employment policy

- Employment Policy Convention, 1964 (No. 122)
- Human Resources Development Convention, 1975 (No. 142)

Maternity protection

- Maternity Protection Convention, 1919 (No. 3)
- Maternity Protection Convention (Revised), 1952 (No. 103)
- Maternity Protection Convention, 2000 (No. 183)

Night work

- Night Work (Women) Convention (Revised), 1948 (No. 89) and the Protocol thereto of 1990
- Night Work Convention, 1990 (No. 171)

Underground work

- Underground Work Convention, 1935 (No. 45)

Migrant workers

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Indigenous and tribal peoples

- Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Part-time work

- Part-Time Work Convention, 1994 (No. 175)

Home work

- Home Work Convention, 1996 (No. 177)

Domestic workers

- Domestic Workers Convention, 2011 (No. 189)

3. The application of ratified conventions is supervised by the ILO Committee of Experts on the Application of Conventions and Recommendations, a body of independent experts from around the world, which meets annually. The information submitted in section II of the present report consists of summaries of observations and direct requests made by the Committee. Observations are comments published in the annual report of the Committee, produced in English, French and Spanish, which are submitted to the Committee on the Application of Standards of the International Labour Conference. Direct requests, produced in English and French, and in the case of Spanish-speaking countries, also in Spanish, are not published in book form, but are made public. At a later date, they are published on the ILO database of supervisory activities, NORMLEX.

4. The information below sets out brief references to the much more detailed comments made by the ILO supervisory bodies. The relevant comments of the Committee of Experts referred to in section II can be found on the NORMLEX database at www.ilo.org/dyn/normlex/en/.

5. It will be noted that, in its own comments, the Committee of Experts often includes references to the information submitted by Governments to the Committee on the Elimination of Discrimination against Women or to the other treaty bodies, as well as to reports issued by those bodies.

II. Indications concerning the situation of individual countries

Argentina

6. Of the relevant ILO Conventions, Argentina has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 3, 29, 45, 87, 98, 105, 138, 142, 169, 177, 182 and 189.

Comments made by the supervisory bodies of the International Labour Organization

7. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Maternity Protection Convention, 1919 (No. 3)

8. In its 2013 observation, the Committee noted with satisfaction the adoption of Act No. 26844 of 13 March 2013 establishing special regulations governing employment contracts for domestic workers, and Act No. 26727 of 21 December 2011 establishing regulations for work in agriculture. The aforementioned laws establish protection against wrongful dismissal for women on maternity leave, with the subsidiary application of the Act relating to employment contracts (sections 40 and 50, respectively).

9. The Committee also noted with satisfaction the adoption of Act No. 26873 of 3 July 2013 concerning the promotion of breastfeeding, section 4 (s) and (t) of which provides for the promotion of regulations needed for the protection of nursing working mothers and the establishment of nursing facilities at the workplace.

Equal Remuneration Convention, 1951 (No. 100)

10. In its 2012 observation, the Committee noted the observations of the Confederation of Workers of Argentina, received on 31 August 2012, reporting significant occupational segregation, both vertical and horizontal, reflected in a sizable pay gap (25 per cent in 2010), a lack of up-to-date statistics regarding women and men in the labour market and the inefficiency of the measures adopted so far by the Tripartite Committee on Equality of Treatment and Opportunity and the Coordinating Unit for Gender Equity and Equal Opportunities. It also noted the Confederation of Workers of Argentina's observations of 7 September 2012 and the comments of the General Confederation of Labour received on 21 September 2012. The Committee noted the Government's communication of 31 May 2012 replying to the General Confederation of Labour's observations of 31 August 2011 reporting the persistence of high rates of inequality between men and women, apparent in the disparities in the quality of the jobs undertaken by men and women, respectively, and particularly in levels of responsibility, which all affect levels of remuneration. According to the General Confederation of Labour, informal work also contributed to these disparities, particularly in domestic work and the agricultural sector. The Committee noted that the Government referred in that connection to Act No. 26485 on media violence against women and Act No. 26522 on audiovisual media, which prohibit the use of stereotyped images of women, and promote the reinforcement of women's education and of training for women in use of the media. The Government also referred to other initiatives such as non-sexist writing competitions for children, television programmes advocating women's rights, the monitoring of women's integration in the armed forces and the "State consensus against gender discrimination and towards real equality between women and men". Regarding informal work, the Government indicated that a significant increase has been achieved in the number of registered workers owing to simplified procedures for regularizing workers. The Committee also noted the awareness-raising and training activities that the Coordinating Unit for Gender Equity and Equal Opportunities

conducted in 2010 for workers' and employers' organizations, which included handbooks on negotiation with a gender perspective and workshops on gender equality. The Committee asked the Government to indicate the specific measures taken to address the gender pay gap and the measures to address occupational segregation in the labour market as a factor contributing to pay differentials.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

11. In its 2012 observation, the Committee noted that in its observations received in 2011, the Confederation of Workers of Argentina referred to delay in the adoption of specific legislation to address discrimination in access to employment. The Committee noted that, according to the Government, the National Institute Against Discrimination, Xenophobia and Racism was implementing the programme "State consensus against gender discrimination" in various provinces and municipalities, and as part of the programme participatory assemblies were held and a pilot action plan was to be developed for the coordination of local policies in order to eliminate discrimination against women in a number of fields, including at work, in four provinces.

12. The Government also referred to activities conducted by the Tripartite Committee on Equal Treatment and Opportunity in the Workplace and the Coordinator of Gender Equity and Equal Opportunities at Work, whose activities include training for women in non-traditional jobs within the framework of the Programme on new skills for women, promoting the participation of women in negotiating bodies and the balancing of family responsibilities and work. The Tripartite Committee also participated in the Internal Commission of the Minister of Labour and Social Security to discuss the labour contracts law and the amendments concerning the issue of reconciling work and family responsibilities. The Government also stated that a scheme of the Tripartite Committee was to be established in provinces and municipalities, and attached a report of the National Institute Against Discrimination, Xenophobia and Racism giving an account of the activities and programmes under way, such as the Programme for parity at work, the Enterprise Network Programme and the Programme on good practices in public employment. Pointing out that access to information on the practical effects of the measures taken by the Government at the national, provincial and municipal levels is important because such data allow an evaluation of the extent to which the measures contribute to equality between men and women in access to work and career development, the Committee requested the Government to send statistical information on the participation of men and of women in the labour market by sector of activity and level of remuneration. It also asked the Government to continue to provide information on the Coordinating Unit for Gender Equity, the Tripartite Committee on Equal Treatment and Opportunity in the Workplace and the National Institute Against Discrimination, Xenophobia and Racism, and in particular the State consensus against gender discrimination programme.

13. The Committee noted that in its observations, the Confederation of Workers of Argentina reiterated that most domestic workers are not registered and, under the legislation in force, have less protection than other workers in terms of hours of work, leave, holidays, etc. It also noted that, according to the Government, there was a bill on workers in private houses under examination by the Senate. The Government further referred to resolution No. 876/2006, the aim of which was to improve the employability of domestic workers by promoting professionalization of

their job and providing them with skills to improve their access to the labour market. With that in mind, agreements were being concluded with educational institutions that provided training for domestic workers. In the period 2007-2010, training was provided for 7,150 persons. The Tripartite Committee on Equal Treatment and Opportunity in the Workplace had carried out a study on domestic work with the aim of analysing problems faced by the sector and improving the conditions of the workers. The Committee requested the Government to report on the passage through Parliament of the bill on workers in private houses, which was drafted by the Ministry of Labour and Social Security, as well as on the implementation of resolution No. 876/2006 and on any other measures that sought to protect domestic workers and improve their training so as to increase and diversify their job opportunities.

14. The Committee noted that, according to the Tripartite Committee on Equality of Opportunities and Treatment, there was no real monitoring of the situation of unregistered workers as a group that is more vulnerable, inter alia, in terms of social protection and equal remuneration. The Committee pointed out that in its previous comments it had asked the Government to provide information on the effects of Act No. 26476 of 2008 and the Employment Regularization Plan and similar measures adopted by the Government to promote the regularization of unregistered workers with a view to reducing their vulnerability and improving their conditions of work. The Committee noted the information from the Government to the effect that the ratio of unregistered workers was 49.9 per cent in 2003 and fell to 36 per cent in 2010. Unregistered work among women posted a drop of 18 per cent. The Government further provided information on the launching of "Digital Work Registration", which should allow a better control of unregistered workers.

15. The Government's most recent reports on Conventions Nos. 100 and 111 were received in 2015, and will be examined by the Committee of Experts at its November-December 2016 session.

Workers with Family Responsibilities Convention, 1981 (No. 156)

16. In its 2011 direct request, the Committee noted the Government's reference to the Network of Employment Services, which coordinates all local strategies for the implementation of national employment programmes. In the context of the Network, 350 employment offices had been established to promote gender equity, provide vocational guidance and supply information on crèches and other childcare facilities. With regard to the amendment of section 183 of Act No. 20744 on benefits for mothers with sick children to extend the benefits to fathers, the Government indicated that a draft amendment to that effect exists.

17. The Government has been requested to provide a report on Convention No. 156 for examination by the Committee of Experts at its November-December 2016 session.

Home Work Convention, 1996 (No. 177)

18. In its 2014 direct request, the Committee requested the Government to provide information on any progress made in the adoption of the draft reform of the Home Work Act.

Worst Forms of Child Labour Convention, 1999 (No. 182)

19. In its 2014 direct request, the Committee recalled that Argentina was a country of destination of trafficking for the sexual exploitation of women and young girls. The Committee noted with interest the adoption of Act No. 26.482 of 26 December 2012 on trafficking in persons, which modified Act No. 26.364 of 30 April 2008 on the prevention of, and conviction for, trafficking in persons, as well as several provisions of the Penal Code concerning sexual crimes. It also noted the Government's indication that Act No. 26.482 was intended to broaden the types of prohibited exploitation and increase the related penalties, and that a series of programmatic measures were adopted by the Government to prevent and sanction the trafficking of persons.

20. The Government's first report on Convention No. 189 was received and will be examined by the Committee of Experts at its November-December 2016 session.

Antigua and Barbuda

21. Among the relevant ILO Conventions, Antigua and Barbuda has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138, 142 and 182.

Comments made by the supervisory bodies of the International Labour Organization

22. The pending comments of the ILO Committee of Experts on the Application of Conventions and Recommendations relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Equal Remuneration Convention, 1951 (No. 100)

23. In its 2012 direct request, the Committee noted that section E 8 (1) of the Labour Code did not give full legislative expression to the principle of the Convention and again asked the Government to set out clearly in the Labour Code the principle of equal remuneration between men and women for work of equal value.

24. The Committee again asked the Government to indicate the specific manner in which it was ensured that, in determining wage rates in the collective agreements, the work performed by women was not being undervalued in comparison to that of men who were performing different work and using different skills, and that the procedures adopted were free from gender bias. It also asked the Government to indicate the measures taken to ensure that companies, when determining remuneration, including wage increases, used methods and criteria free from gender bias and without discrimination based on sex.

25. The Committee noted the Government's indication that there had been no reported cases of discrimination regarding the principle of the Convention.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

26. In its 2012 direct request, the Committee again asked the Government to take steps to collect and analyse statistical information, disaggregated by sex, on the

participation of men and women in education at all stages and various vocational training courses offered, as well as statistics on the number of men and women that had filled vacancies following such training, including for jobs traditionally held by the other sex. The Government was also requested to provide information on any initiatives taken or envisaged to promote women's participation in courses and jobs traditionally held by men.

27. The Government's most recent reports on Conventions No. 100 and 111 were received in 2015, and will be examined by the Committee of Experts at its November-December 2016 session.

Armenia

28. Among the relevant ILO Conventions, Armenia has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138, 143 and 182.

Comments made by the supervisory bodies of the International Labour Organization

29. The pending comments of the ILO Committee of Experts on the Application of Conventions and Recommendations relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Equal Remuneration Convention, 1951 (No. 100)

30. The Committee recalled that section 178 (2) of the Labour Code, which provided for "equal pay for the same or equivalent work" between men and women, did not reflect fully the principle of equal remuneration for men and women for work of equal value. The Committee asked the Government to take steps to amend section 178 (2) in order to give full legislative expression to the principle of equal remuneration for men and women for work of equal value.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

31. In its 2012 direct request, the Committee recalled the absence of a provision explicitly prohibiting discrimination in the Labour Code and asked the Government to take steps to adopt legislative provisions setting out a clear and comprehensive definition and prohibition of direct and indirect discrimination covering all aspects of employment and occupation, including recruitment, and based on, among other grounds, sex.

32. The Committee noted that under section 221 of the Labour Code, "sexual harassment of colleagues, subordinates or beneficiaries" was considered a "gross violation of labour discipline", which might lead to the application of disciplinary sanctions, including termination of employment. It noted, however, that there was no clear definition of sexual harassment in the labour legislation. The Committee also noted the adoption in 2011 of the National Action Plan To Combat Gender-Based Violence, which addressed issues such as the low level of public awareness, the weak data collection system, the lack of enforcement mechanisms and the absence of protective measures. The Government indicated that the Interagency Commission on Combating Gender-Based Violence had been established to improve

prevention activities and data collection. The Committee asked the Government to take steps to include provisions in the Labour Code defining and explicitly prohibiting both quid pro quo and hostile environment sexual harassment, and providing an accessible enforcement mechanism and appropriate remedies.

33. The Committee noted that the draft Law on equal rights and opportunities for women and men was approved by the Government and was pending before the National Assembly for its adoption. Furthermore, it noted the adoption of the Gender Policy Strategic Action Plan for 2011-2015, which included measures to eliminate discrimination based on gender in the socioeconomic field and achieve equality in employment, to expand women's economic opportunities and to improve their working conditions and income in rural areas, among others. The Committee further noted that women continued to face higher unemployment rates than men and remained concentrated in lower paying sectors and lower positions.

34. The Committee noted the Government's indications regarding the list of jobs that were deemed to be dangerous or harmful and therefore prohibited for pregnant women and women caring for a child under 1 year of age established by Governmental Decision No. 2308-N, under section 258 of the Labour Code. It asked the Government to review section 258 of the Labour Code, with a view to restricting prohibitions to those necessary to protect maternity and to provide information on any measures taken in that respect.

35. The Committee noted that, according to section 11 (15) of the Law on the state labour inspectorate, labour inspectors examined cases of gender discrimination in the recruitment process. It noted that, further to the inspections carried out in enterprises, no violation of the provisions of the Labour Code relating to equality and equal opportunities had been identified. The Government stated that the Human Rights Defender did not receive any complaints of discrimination based on gender in employment and occupation and that no cases related to the application of the Convention had been dealt with by the courts.

36. The Government's most recent reports on Conventions Nos. 100 and 111 were received in 2015, and will be examined by the Committee of Experts at its November-December 2016 session.

Bangladesh

37. Among the relevant ILO Conventions, Bangladesh has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 89, 98, 105 and 182.

Comments made by the supervisory bodies of the International Labour Organization

38. The pending comments of the ILO Committee of Experts on the Application of Conventions and Recommendations relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Night Work (Women) Convention, 1948 (No. 89)

39. In its 2013 direct request, the Committee recalled that, following the adoption of the Labour Act 2006, the prohibition against the employment of women during

the night had been significantly relaxed to the extent that women might not be employed without their consent between 10 p.m. and 6 a.m., which implied that they might freely decide to hold night jobs if they so wish. The Committee also drew attention to the fact that action was needed with regard to the outdated Night Work (Women) Convention, 1919 (No. 4), which had not yet been denounced, and therefore the Government remained formally bound by that instrument. Furthermore, the Committee invited the Government to give favourable consideration to the ratification of Convention No. 171, and asked it to keep the Office informed of any steps taken with respect to Conventions Nos. 89 and 4.

Equal Remuneration Convention, 1951 (No. 100)

40. In its 2015 observation, the Committee recalled that section 2 (xlv) of the Labour Act excluded particular aspects of remuneration from the definition of "wages", including in-kind emoluments such as accommodation. It also recalled that section 345 of the Labour Act provided that in determining wages or fixing minimum rates of wages the principle of equal wages for male and female workers for work of "equal nature or equal value" shall be followed. The Committee noted the Government's indication that the principle of equal wages for work of equal value was realized through the establishment of relevant laws and the Minimum Wage Board, and that there was no discrimination on the ground of sex. The Committee noted, however, that the Government had not expanded the definition of remuneration to be in full compliance with the principle of equal remuneration for work of equal value.

41. The Committee again requested the Government to take steps to broaden the scope of application of section 345 of the Labour Act to include all aspects of remuneration. It also requested the Government to examine the extent to which the principle of equal remuneration for men and women for work of equal value was being applied in practice in relation to those aspects of remuneration that were excluded from the definition of "wages" under section 2 (xlv) of the Labour Act.

42. The Committee recalled the findings of the 2008 ILO study "The gender wage gap in Bangladesh" and the findings of the 2007 wage survey carried out by the Bangladesh Bureau of Statistics, both of which showed a wide and persistent gender pay gap. The Committee noted that there were gender pay gaps in the small and "irregular" economies that were not subject to labour inspection, and that enforcing labour laws to small and irregular employers might result in women losing their jobs. In addition, the Committee noted the 2012 Decent Work Country Programme report on Bangladesh, which indicated that as at 2010, the labour participation rate of women was 35.98 per cent, as compared to that of 82.51 per cent of men, and that only 7.7 per cent of those women participated in the formal economy, compared to 14.6 per cent of men. It further noted that 92.3 per cent of working women were in the informal economy. The Committee requested the Government to take the initial steps to address the gender pay gap in the informal economy and in the formal sector, as well as to provide information on measures taken to identify and address underlying factors perpetuating the gender pay gap in the informal economy.

43. The Committee recalled the undervaluation of the minimum wages in sectors predominately employing women, as well as regarding the use of gender-neutral terminology in defining jobs in wage orders. The Committee requested the Government to continue to provide information on the developments with respect to

the coverage and rates of minimum wages, including measures taken or envisaged to objectively compare wage rates.

44. The Committee noted the Government's indication that the Department of Inspection for Factories and Establishments possessed the mandate to enforce provisions related to payment of wages in the Labour Act. It also noted that awareness-raising seminars and workshops had been organized for lawyers, judges and high-level officials, as well as its invitation to the ILO to engage with the Government for future technical assistance regarding wage fixing and related areas.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

45. In its 2015 observation, the Committee recalled that it had been raising concerns regarding the absence of legislative provisions prohibiting discrimination in employment and occupation based on, among other grounds, sex with respect to all aspects of employment and occupation, and covering all workers. The Committee noted, however, that the Government repeated its indication that the Constitution sufficiently provided such protection along with legislative provisions that provided "safeguards for women and children". Recalling that the main non-discrimination provision of the Constitution was aimed at ensuring that the State did not discriminate, and it did not address the situation of the private sector, the Committee requested again the Government to take concrete steps to amend the Labour Act of 2006, so as to include a prohibition of direct and indirect discrimination on, among other grounds, sex.

46. The Committee noted the Government's indication that, owing to positive measures, women had entered traditionally male-dominated sectors, as well as the indication that the Ministry of Women and Children Affairs had been running special projects for the training, education, welfare, safety and protection of women and children. It also noted that the Ministry of Labour and Employment had established six technical training centres for women to undergo vocational training.

47. The Committee recalled that section 332 of the Labour Act prohibited conduct towards female workers that was indecent or repugnant to their modesty or honour, and the guidelines on sexual harassment included in a High Court judgment in 2009. It also noted the Government's indication that in the context of the ILO technical assistance project "Promoting gender equality and preventing violence against women at the workplace", undertaken between 2010 and 2012, awareness-raising activities to reduce sexual and non-sexual harassment of women in the workplace were scheduled. The Committee noted the Government's indication that it had enacted appropriate laws, and adopted policies and mechanisms concerning sexual harassment. The Committee requested the Government to provide information on the progress made in enacting specific legislation on sexual harassment and in amending section 332 of the Labour Act. The Government was also requested to take measures to raise the awareness of workers, employers and their organizations regarding sexual harassment in employment and occupation.

48. The Committee recalled that the restrictions set out in sections 39, 40 and 42 of the Labour Act, which related specifically to adolescent workers, also applied to women since section 87 of the Labour Act provides that "[t]he provisions of sections 39, 40 and 42 shall apply to a woman worker as they apply to an adolescent worker". The Government indicated that, on the contrary, sections 39, 40, 42 and 87 of the Labour Act were enacted to protect the "weaker section" of society. The

Government repeated its previous argument that 90 per cent of women were Muslim and therefore wear a sari, making it impossible for them to work safely with dangerous or moving machines. In that respect, the Committee noted that the Government did not consider section 87 of the Labour Act to be discriminatory because women should not be compelled to wear the same light work clothes as men and would revolt if asked to do so. The Committee again requested the Government to take steps to review and amend sections 39, 40, 42 and 87 of the Labour Act, with a view to ensuring that women were able to access employment on an equal footing with men, and that any limitations or restrictions applying to women were strictly limited to maternity protection and breastfeeding.

Belarus

49. Among the relevant ILO Conventions, Belarus has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 105, 122, 138, 142, 182 and 183.

Comments made by the supervisory bodies of the International Labour Organization

50. The pending comments of the ILO Committee of Experts on the Application of Conventions and Recommendations relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Equal Remuneration Convention, 1951 (No. 100)

51. In its 2012 direct request, the Committee noted that there was a significant average gender wage gap of 25.4 per cent, as well as gender wage gaps in certain sectors; for example, women's average monthly wage was 70.2 per cent of that of men in industry, 77.4 per cent in trade and commerce and 62 per cent in health services. It also noted the Government's indication that labour was classified into unskilled labour and skilled labour, and that the unified rating and skills guide of work and workers' occupations and the unified job evaluation guide of the employee's positions evaluated the value of work using assessment factors such as quantity and quality of work, and degree of complexity of the work performed, among others. The Committee asked the Government to indicate how it was ensured that the selection of factors for comparison, the weighing of such factors and the actual comparison carried out were not discriminatory, either directly or indirectly.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

52. In its 2012 direct request, the Committee recalled that section 170 of the Penal Code might not provide adequate protection from all forms of sexual harassment in the workplace, and asked the Government to consider adopting legal provisions defining and prohibiting sexual harassment in the workplace, both by employers and co-workers.

53. The Committee noted that the Council of Ministers had approved the National Plan of Action on Gender Equality 2011-2015, which aims to promote balanced representation of men and women at all levels of management and control, to promote gender mainstreaming in the economic sphere and to further the development of entrepreneurship among women and increased competitiveness of

women in the labour market. With regard to the National Plan of Action on Gender Equality for 2008-2010, the Committee noted the Government's indication that considerable attention had been paid to ensuring employment of women, rendering social support to women during the period of job search, vocational training of unemployed women and development of entrepreneurship. As at January 2011, the rate of women in the total number of the unemployed had decreased to 52.6 per cent, as compared to 60.7 per cent in January 2009. The Government also indicated that under the National Plan of Action on Gender Equality for 2008-2010, specific measures included the following: (i) the holding of job vacancy fairs; (ii) vocational training of the unemployed among mothers who have been absent from work for a long time owing to child care (140 women underwent labour rehabilitation under the programme "youth practice", funded by the Ministry of Labour and Social Protection); and (iii) employers creating jobs for women were given priorities to be granted budgetary loans. In 2009, 11,400 unemployed women, and in 2010, 10,700 unemployed women participated in vocational training in the occupations that are in the highest demand of the labour market.

54. The Committee noted the adoption of working time restrictions for certain women and the prohibition of recruitment of women for heavy manual work and work involving hazardous conditions. Moreover, while noting the Government's explanation on equal rights of men and women to take up parental leave (section 185 of the Labour Code), it also noted that no apparent progress had been made with respect to the revision of section 263 of the Labour Code imposing working time restrictions on women having children under the age of 3 years in certain types of work. The Committee recalled the list established by the Council of Ministers' Decision No. 765 of 26 May 2000, concerning heavy manual work and work involving hazardous conditions for which women's recruitment is prohibited. It noted the Government's indication that there had been no application filed with the State Department of Expert Assessment of Working Conditions concerning permission to hire women in work included in the list. The Government also indicated that, according to section 9 of the Law on Labour Protection, healthy and safe working environments were guaranteed for both male and female workers, and that Regulation No. 9-80-98 (the "SanPiN 9-72 RB 98 standard"), which set out the health and safety requirements with regard to working conditions for women, was still under revision. The Committee therefore again asked the Government to revise the legislation so as to ensure that restrictions applying to women were limited to those aimed at protecting maternity in the strict sense and those providing special conditions for pregnant women and breastfeeding mothers.

55. The Government's most recent reports on Conventions Nos. 100 and 111 were received in 2015, and will be examined by the Committee of Experts at its November-December 2016 session.

Bhutan

56. Bhutan is not a member of the ILO.

Burundi

57. Among the relevant ILO Conventions, Burundi has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 89, 98, 105, 138 and 182.

Comments made by the supervisory bodies of the International Labour Organization

58. The pending comments of the ILO Committee of Experts on the Application of Conventions and Recommendations relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Night Work (Women) Convention, 1948 (No. 89)

59. In its 2013 direct request, the Committee recalled its previous request in relation to the possible ratification of Convention No. 171, which shifts the emphasis from a specific category of workers and sector of economic activity to the safety and health protection of night workers irrespective of gender in nearly all branches and occupations.

Equal Remuneration Convention, 1951 (No. 100)

60. In its 2015 observation, the Committee recalled that article 57 of the Constitution set out the "principle of equal wage for equal work", and that section 73 of the Labour Code provided that "in equal conditions of work, occupational qualification and output, the wage shall be equal for all workers, whatever their origin, sex, age". The Committee therefore requested the Government to take the necessary steps to ensure the amendment of those provisions to align them with the Convention.

61. In its 2015 direct request, the Committee noted the observations of 26 September 2014, submitted by the Trade Union Confederation of Burundi, that when wages were fixed, there was no comparison of occupations and the social partners have not been associated with the job classification study currently under way as part of the national policy on administrative reform.

62. With regard to "remuneration", the Committee noted that the Government intends to bring the definition of remuneration contained in section 15 (f) of the Labour Code, which currently excludes family benefits, as well as advantages in kind and reimbursement of costs, from the definition of remuneration, and requested the Government to provide information on the progress made in that regard. The Committee also asked the Government to provide information on the measures taken to ensure that family allowances are paid to men and women without discrimination, including through the amendment of section 122 of the Code of the Person and the Family providing that the man is head of the household, and through the setting up of a family allowances system, to which the Government refers in its report.

63. The Committee noted the 2007 report on the informal sector published by the Economic and Statistical Observatory of Sub-Saharan Africa and the Institute of Statistics and Economic Studies of Burundi, according to which women were highly concentrated in the clothing industry (where the average monthly wage amounts approximately to 4,500 Burundian francs (BIF)), while men were concentrated in transport and repairing services (where the average monthly wage is, respectively, BIF20,000 and BIF29,900). In addition, the report indicated that even where women had the same qualifications as men, they received lower remuneration than men.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

64. In its 2015 direct request, the Committee noted the creation of the National Independent Human Rights Commission in 2011, which functions included combating gender-based violence, ensuring the promotion of women's rights and contributing to promoting the principles of equality and non-discrimination. The Committee noted that, in its 2012 activities report, the Commission recommended the Government to compile an inventory of laws that discriminate against women, with a view to amending them in accordance with the Constitution and ratified international instruments and to promulgate the Act on Prevention, Repression and Compensation of Gender-based Violence. The Committee requested the Government to provide information on the measures taken or envisaged to follow up on the recommendations of the Commission.

65. The Committee recalled its previous comments that, despite the ban on dismissals during maternity leave (section 122 of the Labour Code), such dismissals were occurring in the private sector and requested the Government to provide information on the progress and results of the labour inspectorate's awareness-raising activities regarding discrimination based on pregnancy.

66. The Committee noted that Act No. 1/05 of 22 April 2009 revising the Penal Code, included a provision defining sexual harassment as "the act of subjecting another person to orders, threats or physical or psychological coercion, or serious pressure, with a view to obtaining favours of a sexual nature by abusing the authority inherent in his or her functions", and made it punishable by a month to two years of penal servitude and a fine of 100,000 to 500,000 francs (section 563). The Committee drew the Government's attention to the fact that only quid pro quo harassment was covered by section 563, and that that had to be committed by a person in a situation of authority. The Committee asked the Government to indicate the steps taken or envisaged to amend section 563 of the Penal Code in order to cover hostile environment sexual harassment, and urged it to include provisions defining and prohibiting sexual harassment in both its forms in the Labour Code.

Canada

67. Among the relevant ILO Conventions, Canada has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 105, 122, 138 (not yet in force) and 182. Canada ratified Convention No. 138 on 8 June 2016.

Comments made by the supervisory bodies of the International Labour Organization

68. The pending comments of the ILO Committee of Experts on the Application of Conventions and Recommendations relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Forced Labour Convention, 1930 (No. 29)

69. In its 2014 direct request, the Committee noted the statement of the Confederation of National Trade Unions, in a communication received on 10 October 2014, that the Government was not taking the necessary measures to eradicate the phenomenon of trafficking of aboriginal women and girls. According

to the report of the Royal Canadian Mounted Police of 2013, several specific cases of domestic human trafficking for sexual exploitation had involved aboriginal victims. The report stated that while the number of aboriginal victims did not comprise a large portion of the total number of victims in all cases where human trafficking-specific charges were laid, the aboriginal population was approximately 4 per cent of the total Canadian population, and therefore the number of trafficked aboriginal victims identified in those cases represents a higher proportion of victims. The Committee requested the Government to provide further information on the situation described by the Confederation, as well as on the measures taken to specifically address the vulnerability of certain members of the aboriginal community to abusive practices and conditions that may amount to forced labour.

Equal Remuneration Convention, 1951 (No. 100)

70. In its 2012 observation, the Committee recalled that the Public Sector Equitable Compensation Act, which was adopted in 2009 with a view to ensuring equal remuneration for men and women for work of equal value, was expected to come into force once regulations were enacted. The Committee noted that consultations with stakeholders on the development of the regulations were scheduled to end in 2012. The Government indicated that the Act was enacted with a view to ensuring equal remuneration for men and women for work of equal value, and the Government considers that the Act fully complies with the obligations under the Convention. The Committee recalled that the Act provides for an equitable compensation assessment of female-dominated job groups (to be defined by regulations) or job classes (defined as classes composed of at least 70 per cent female employees) to assess the value of the work performed, without gender bias, which is to lead to a plan to address any equitable compensation matters. The Committee also noted that "job class" was defined in section 2 to mean "two or more positions in the same job group that have similar duties and responsibilities, require similar qualifications, are part of the same compensation plan and are within the same range of salary rates". The Committee recalled that pursuant to the Convention, comparisons should be able to be made not only between jobs that have similar duties and responsibilities, require similar qualifications, are part of the same compensation plan or are within the same salary rate, but also between jobs that are entirely different in nature. It was not clear whether such comparison was provided for in the Act.

71. The Committee further noted the continuing concerns expressed by the Canadian Labour Congress, which recommended that the Act be repealed and replaced by a proactive federal pay equity law. The concerns raised by the Congress included the application of "market forces" as a standard to assess the value of work, the high threshold for defining a "female-dominated group", the difficulty for individual women in bringing a complaint and the move from a rights-based approach to pay equity, as set out by the Canadian Human Rights Act, to equal remuneration being a matter for negotiation. The Committee recalled that although the criteria to assess the value of work performed are linked to skill, effort, responsibility and conditions of work under the Human Rights Act, the assessment under the Public Sector Equitable Compensation Act could be limited by factors such as market forces that may be inherently gender-biased and may not adequately ensure a non-discriminatory assessment.

72. Noting that assistance given to employees in filing or proceeding with a complaint was considered to be an offence under the Public Sector Equitable Compensation Act, the Committee asked the Government to consider repealing this prohibition, as it may hinder the application of the right to equal remuneration for work of equal value in practice.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

73. In its 2013 observation, the Committee recalled that section 13 (5) of the Canada Post Corporation Act excluded a mail contractor from the application of Part I of the Canada Labour Code. It also recalled the observation provided by the Canadian Labour Congress that the exclusion discriminated against women, who accounted for 71 per cent of rural and suburban mail carriers. The Committee asked the Government to take measures to examine and address the impact of the exclusion pursuant to section 13 (5) of the Canada Post Corporation Act on women, in terms of equality of opportunity and treatment in employment and occupation.

74. The Committee noted the Government's indication on the measures taken for the increase of women's access to various occupations, including apprenticeship programmes, in which women accounted for 16 per cent in total, and 3 per cent in non-traditional sectors in 2010. Sector councils at the federal level had started implementing strategies designed to encourage women to enter non-traditional sectors, including construction and mining. The Committee also noted the similar measures taken to increase women's access to non-traditional occupations, including political office, science, engineering and technology, at the provincial levels, including New Brunswick, Nova Scotia and Ontario.

75. In its 2013 direct request, the Committee noted with interest that pursuant to the Manitoba Human Rights Code Amendment Act, which was adopted on 14 June 2012, "gender identity" was included as a prohibited ground of discrimination under section 9 (2) (g) of the Manitoba Human Rights Code.

76. Concerning sexual harassment, the Committee noted the Government's indication that for the fiscal year 2011/12, the Canadian Human Rights Commission registered 66 complaints concerning sexual harassment out of 3,815 total complaints. Most cases of violations detected through general labour inspections concerned non-existence of a sexual harassment policy or employers' failure to post the policy to be known to employees, both of which are required pursuant to section 247.4 of the Canada Labour Code. The Committee also noted with interest that the *Ontario* Occupational Health and Safety Act was amended to include employers' obligation to develop workplace violence and workplace harassment policies and programmes (part III.0.1 of the said Act). It further noted that in New Brunswick, following the adoption of a Guideline on sexual harassment in June 2011, seven complaints concerning sexual harassment at the workplace were filed for the period until May 2012.

77. The Government's most recent reports on Conventions Nos. 100 and 111 were received in 2015, and will be examined by the Committee of Experts at its November-December 2016 session.

Estonia

78. Among the relevant ILO Conventions, Estonia has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138 and 182.

Comments made by the supervisory bodies of the International Labour Organization

79. The pending comments of the ILO Committee of Experts on the Application of Conventions and Recommendations relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Equal Remuneration Convention, 1951 (No. 100)

80. In its 2012 direct request, the Committee noted that, according to Statistics Estonia, the average gross hourly earnings were €5.44 for male workers and €4.17 for female workers in 2010. According to the study entitled "Gender Pay Gap in Estonia", carried out during the period 2009-2010, the general gender pay gap, taking real wages as the basis, was during the period 2000-2008 an average of 28.6 per cent; the unexplained wage difference, constituting approximately 85 per cent of the gender pay gap, increased during the period 2000-2008. The gender pay gap increased during the period 2006-2008 compared to the previous years. The Committee noted that the Promotion of Gender Equality Programme (2011-2013) was being implemented, which included the elaboration of a study on gender pay gap. It further noted the Government's indication that, following the above study on the gender pay gap, an action plan for reducing the gender pay gap would be proposed to the Parliament in the third quarter of 2012. The Committee asked the Government to pursue its efforts to promote equal remuneration for men and women for work of equal value, and to provide information on the results achieved under the Promotion of Gender Equality Programme (2011-2013), as well as on the status of the action plan for reducing the gender pay gap and on the specific measures taken under the action plan.

81. The Committee noted the Government's indication that there were no specific provisions on pay equality in most collective agreements.

82. The Committee noted the Government's indication that three complaints in 2011 and four complaints in 2012 concerning equal pay had been lodged before the Commissioner and that regional seminars had been held to raise awareness among representatives of private companies about the existence and causes of the high gender pay gap.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

83. In its 2012 direct request, the Committee noted that the new Public Service Act was adopted in June 2012. In that regard, the Government indicated that a reference to equal treatment between men and women in the new Public Service Act was only made in a section that provided that public offices shall ensure the protection of the public against discrimination.

84. The Committee noted the information provided by the Government on various activities carried out under the Promotion of Gender Equality Programme (2008-

2010), including publications, awareness-raising campaigns and the Gender Equality Monitoring Survey Report in 2012/13. A report of the survey entitled "Gender Equality and Inequality: Attitudes and Situation in Estonia in 2009" showed that in Estonia's labour market there was a firmly established division between female and male occupations and industries, as well as perpetuated gender stereotypes. The Committee further noted that the Promotion of Gender Equality Programme (2011-2013) was being implemented, and included a media campaign to address gender stereotypes, and training for lawyers, judges, members of labour dispute committees and law faculty members on the implementation of the Gender Equality Act. It noted, however, that there was no overview of any measures taken by the State and local government agencies or employers to promote gender equality, or temporary special measures according to sections 9, 11 and 5 (2) (5), respectively, of the Gender Equality Act. The Committee asked the Government to take measures to overcome stereotypes, to promote access to a wider range of occupations and industries and to provide information on the implementation of the Gender Equality Act and the Promotion of Gender Equality Programme 2011-2013.

85. The Government's most recent reports on Conventions Nos. 100 and 111 were received in 2015, and will be examined by the Committee of Experts at its November-December 2016 session.

Honduras

86. Among the relevant ILO Conventions, Honduras has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 105, 122, 138, 169 and 182.

Comments made by the supervisory bodies of the International Labour Organization

87. The pending comments of the ILO Committee of Experts on the Application of Conventions and Recommendations relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Equal Remuneration Convention, 1951 (No. 100)

88. In its 2014 observation, the Committee noted that there was a wide gender wage gap and, where women occupied higher-level posts, they were paid less. According to data from the National Institute of Statistics, the gender gap in total national average earnings was 5 per cent in 2012 and almost 7 per cent in 2013. Nevertheless, if the gender wage gap was examined in terms of branches of activity, that difference was much more pronounced in certain cases. For example, the difference in average earnings was 14.67 per cent in agriculture, forestry, hunting and fishing; 45.24 per cent in manufacturing; 37.14 per cent in commerce and the hotel industry; 30.72 per cent in communal and social services; and 63.87 per cent among transport drivers. The gap was narrower in high-skill sectors (10 per cent for professional staff and technicians).

89. The Committee had been referring for years to the need to amend section 44 of the Act on equal opportunities for women, which provided for the payment of equal wages for equal work. It noted that the Under-Ministry for Inclusion and Development had taken measures to enable the Gender Committee in the National

Congress to revise and submit proposals for amendments relating to gender, equality, equity and discrimination in employment. Moreover, the National Women's Institute had concluded an agreement with the Ministry of Labour and Social Security to promote amendments to the Labour Code to eliminate any discriminatory provisions. The Committee urged the Government to take concrete steps towards amending in the very near future section 44 of the Act on equal opportunities for women, so as to incorporate the principle of equal remuneration for men and women for work of equal value. It asked the Government to provide information on any developments in that respect, and encouraged the Government to request ILO technical assistance.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

90. In its 2013 observation, the Committee noted the Government's indication that up to May 2013 an additional 144,171 jobs had been generated within the framework of the National Solidarity Plan for Anti-Crisis Employment, 46 per cent of which were for women. It further noted the conclusion on 12 February 2012 of the Broad National Agreement by the Government and workers' and employers' organizations. The objectives of the Agreement included the protection of vulnerable population groups (indigenous peoples, Afro-Hondurans, persons with disabilities, migrants) and women through the rationalization of public sector expenditure and increased effectiveness of projects and of conditional and unconditional cash transfers. The Agreement provided specifically for the allocation of resources to business development programmes for 5,000 women and the training of 2,500 young persons, and established a mechanism of tripartite composition in the Economic and Social Council to monitor outcomes in the achievement of its objectives. The Committee requested the Government to provide specific information on the evaluation of the implementation of the Broad National Agreement and the results achieved through its application, as well as on the manner in which it had influenced the implementation of the various equality and non-discrimination plans and programmes at the national level.

91. In its 2013 direct request, the Committee noted the implementation of the II Gender Equality and Equity Plan of Honduras 2010-2022 and the adoption of measures in the context of the gender equity policy of the Secretariat for Agriculture and Stock-Raising for the rural sector. Nevertheless, according to the statistics, the participation of women in the labour market continued to be significantly low (70.4 per cent for men and 34.9 per cent for women), with clear occupational segregation by sex in both urban and rural areas. Furthermore, the number of property titles granted to women in rural areas continued to be considerably lower than for men.

92. The Committee again requested the Government to take the necessary measures to ensure that the Act on equality of opportunities for women and its regulations included in the definition of sexual harassment the aspect of a hostile working environment. The Government was also requested to provide information on the other measures and remedies that were available to victims of sexual harassment, in addition to the possibility of terminating the employment relationship while retaining entitlement to compensation.

93. The Committee noted the granting of legal personality to *Lenca* women and the awareness-raising activities for them on the II Gender Equality and Equity Plan

of Honduras 2010-2022. It requested the Government to provide specific information on the impact of all the measures adopted in improving education and vocational training and increasing the labour market participation of indigenous and Afro-Honduran women, as well as on the measures adopted by the Secretariat for Indigenous and Afro-Honduran Peoples to promote the inclusion of indigenous and Afro-Honduran women in the labour market, including through their traditional activities.

Indigenous and Tribal Peoples Convention, 1989 (No. 169)

94. In its 2015 direct request, the Committee noted the Government's indication that the activities in which indigenous peoples had participated included the development of the Political Agenda for Indigenous and Afro-Honduran Women (2012-2013). The Committee noted that the Political Agenda referred to the existence of a gender gap in the form of a significant wage gap, which was most evident in the departments of La Paz and Intibucá during the coffee harvest.

Netherlands

95. Among the relevant ILO Conventions, the Netherlands has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 97, 98, 105, 122, 138, 142, 169, 175, 177, 182 and 183.

Comments made by the supervisory bodies of the International Labour Organization

96. The pending comments of the ILO Committee of Experts on the Application of Conventions and Recommendations relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Equal Remuneration Convention, 1951 (No. 100)

97. In its 2013 observation, the Committee recalled that, with a view to addressing equal pay in a wider context, the Task Force Part-Time Plus was established. It noted the Government's indications that a bill on combining work and childcare was being discussed in Parliament, and that the Social and Economic Council had been asked to advise, by the end of 2013, on discrimination in the labour market, including differences in remuneration. The Government indicated that it would take no further action until the advice of the Council was published. The Committee asked the Government to provide details of the advice given by the Council, including to what extent it addressed the recommendations of the Task Force Part-Time Plus, to indicate the specific follow-up given to the Task Force recommendations, any recommendations of the Council and the results achieved, and to provide detailed information on any proactive measures to address the gender pay gap.

98. In its 2013 direct request, the Committee recalled that various studies and research had been undertaken on differences in remuneration and the underlying causes of the uncorrected gender pay gap, which remained relatively high. The Committee noted the Government's indication that the information provided by Statistics Netherlands on the uncorrected difference was based on the gross hourly wage and that the corrected difference is calculated on a number of characteristics,

such as gender, age and education. That resulted in an uncorrected gender wage gap in 2010 of 13 per cent in government and 20 per cent in industry; after correction a difference of 7 and 8 per cent remained in industry. The Government considered, however, that a difference after correction did not mean that discrimination existed as some differences could not be measured, such as those related to ambition. Nevertheless, the Committee noted, in that regard, that the difficulties for women to be promoted to better paid positions could not be explained by their assumed lack of ambition only, but rather indicated the existence of a glass ceiling.

99. The Committee asked the Government to cooperate with the social partners, in identifying and implementing any additional measures that need to be taken to address the gender pay gap, including measures to address vertical occupational segregation and to ensure that the part of the difference in remuneration that was owing to discrimination based on sex was accurately examined and addressed. It also asked the Government to provide the results of any relevant research or studies undertaken in that regard and the solutions proposed.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

100. In its 2013 direct request, the Committee recalled that the Labour Conditions Act referred only to sexual harassment in the context of the definition of "psychological burden" and the obligation of the employer to adopt a policy in that regard (sections 1 (3) (e) and 3 (2)). It noted that the Government provided information on the programme on aggression and violence carried out from 2009 to 2012 to ensure compliance with the legislation, which contributed to the implementation of a policy on aggression and violence in a great number of sectors, organizations and enterprises. The Committee asked the Government to ensure that monitoring activities adequately address both quid pro quo and hostile environment sexual harassment in the private and public sectors, and to provide the results of inspection activities in that regard. It also asked the Government to provide information on any measures taken or envisaged to raise awareness on sexual harassment among employers and workers and their organizations.

101. The Committee recalled the differences in the employment rates of men and women and the national context in which the overall majority of male workers continued to work full time, while female workers usually worked part time (84 per cent of the male workers are employed more than 35 hours a week compared to 29 per cent of women). The Committee noted the reply of the Government that the participation rate of female workers was among the highest in Europe, while at the same time a large proportion of that group works only part time. The Government nonetheless considered that the trend was positive and younger generations of female workers tend to work more hours, also after children were born. The Committee noted that the Netherlands Trade Union Confederation disagreed with the Government's analysis and considered that the substantial reduction in government subsidies for childcare had greatly increased the costs of formal childcare facilities for many parents. According to the Confederation, the Government's investment in full day-care arrangements for children was lagging behind, the increase in the participation of women in the labour market, as well as the number of working hours of women working part-time stagnating and the number of working hours for single parents decreasing. The Committee asked the Government to indicate the measures taken or envisaged to improve the

opportunities for both parents, and in particular women, to engage in full-time employment, including by investing in affordable full day-care arrangements.

102. The Committee noted that 54 per cent of the complaints received by the Equal Treatment Commission in 2011 related to employment and that 16 per cent concerned gender.

Home Work Convention, 1996 (No. 177)

103. In its 2013 direct request, the Committee, noting the Government's clarifications about the distinction between homeworkers and domestic workers, requested the Government to confirm that homeworkers were entitled to the same maternity protection coverage as other wage earners and to specify any relevant legal provisions in that regard.

Maternity Protection Convention, 2000 (No. 183)

104. In its 2013 observation, the Committee noted that the representative organizations of workers and employers were consulted regarding the introduction of amendments to national legislation concerning the protection of health in the context of pregnancy and childbirth. It also noted that following an amendment made in 2012 to the Working Conditions Decree of 1997, a new section 1.42 (a) was added requiring the employer to provide effective information on the work-related risks during pregnancy and breastfeeding periods. That new provision thus complemented section 1.42 of the aforementioned decree, requiring employers to organize work in such a way as to eliminate risks to pregnant or breastfeeding employees and ill effects on pregnancy and breastfeeding. Moreover, the Committee noted that, pursuant to section 1.42, if an employee's work presented a risk to her health that could not be avoided through a change in her working conditions or hours, or if she could not be temporarily transferred to another position, she was exempted from her duties while the risk persisted. The Committee requested the Government to indicate whether such leave was paid or gave entitlement to income replacement benefits from social insurance.

105. The Committee noted that, according to the Working Hours Act of 1995, as amended, pregnant women cannot in principle be required to carry out night work unless their employer gives "convincing reasons" whereby it cannot reasonably be expected to adapt the employee's work (section 4:5, paragraph 5). The Committee requested the Government to indicate what might constitute "convincing reasons", and whether, for medical reasons, a pregnant employee might request to be exempted from night work in accordance with section 1.42 mentioned above, as well as whether there existed a special provision regulating night work by workers who breastfeed their child.

106. The Committee noted that, according to the Netherlands Institute for Human Rights report undertaken in 2011, certain categories of employees were more at risk than others of becoming victims of discrimination on the grounds of pregnancy or maternity in employment or access to employment: women in lower paid jobs and temporary assignments; women employees in the private sector; women who often fall sick during pregnancy or suffer complications related to pregnancy or childbirth; and women in managerial positions. The two main recommendations to the Government were to inform women and employers of their rights and obligations during pregnancy and maternity to allow them to better identify

discriminatory practices and provide information on how to file complaints. Following up on those recommendations, the Government and the Human Rights Institute provided information in that regard on their website. The Committee noted, however, that the problems related to maternity protection were increasing, as was the number of temporary contracts, with many women still experiencing problems of recruitment or of losing their jobs when they became pregnant, as their contracts were not renewed in that case. The Committee asked the Government to consider assessing the impact of the measures taken together with the social partners, in order to more effectively tackle the problems of application in practice the prohibition of discrimination based on maternity.

Switzerland

107. Among the relevant ILO Conventions, Switzerland has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 105, 122, 138, 142, 182, 183 and 189.

Comments made by the supervisory bodies of the International Labour Organization

108. The pending comments of the ILO Committee of Experts on the Application of Conventions and Recommendations relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Equal Remuneration Convention, 1951 (No. 100)

109. In its 2014 direct request, the Committee noted that, in the private sector, the wage gap narrowed by 1 per cent between 2008 and 2010 (to 18.4 per cent), but widened between 2010 and 2012 (18.9 per cent). In the public sector as a whole, the average wage gap was 13.6 per cent. The information also showed that the component unexplained by objective factors ("discrimination component") decreased from 745 Swiss francs (CHF) per month in 2008 to CHF 677 in 2010 in the private sector; however, major differences were observed according to the sector of activity. In the public sector (Confederation), the discrimination component increased slightly, from CHF 254 in 2008 to CHF 259 in 2010. Regarding the 2010 survey of fringe benefits, the Government indicated that they were constantly increasing and that an analysis of fringe benefits from a gender perspective, based on the 2012 Wage Structure Survey, would soon be conducted. The Committee asked the Government to examine the underlying causes of the gender pay gap in the wider context of gender equality in employment and occupation, and to take the necessary steps to remedy them. It also asked the Government to continue evaluating these disparities, including the component unexplained by objective factors, and to provide information on any developments in that respect.

110. The Committee noted that awareness-raising and training measures relating to wage equality had been taken by the Government between 2012 and 2014. It noted that the Federal Office for Gender Equality regularly updated Logib (the Confederation's equality monitoring tool) and its user guide, and planned to present that tool to all Swiss enterprises employing more than 50 workers. The Committee also noted the inclusion in the 2011-2015 legislative programme of the objective to "strengthen measures for combating gender wage discrimination and examine

additional instruments that might be adopted by the public authorities". It further noted that, at the federal level, an interdepartmental working party had been set up to consider the establishment of a system of accreditation (for a fixed period) for enterprises wishing to conclude a public procurement contract with the Confederation, under which those enterprises would undergo voluntary prior monitoring of wage equality. The Committee asked the Government to provide information on the awareness-raising, information and training measures taken to promote equal remuneration, as well as on the steps taken to ensure that, in the context of public procurement, bidding enterprises respect and apply the principle of equal remuneration for men and women for work of equal value.

111. The Committee noted the information provided by the Government on the implementation of the "equal wages dialogue" by employers' and workers' organizations, according to which only 51 enterprises, employing a total of 230,000 workers, had taken part in the dialogue by the end of February 2014. Furthermore, between 2010 and 2013, an analysis of wages was undertaken throughout the administration with a view to implementing the "equal wages dialogue", and the results achieved using Logib showed that wage equality was observed. The Committee asked the Government to provide information on the measures taken or contemplated to pursue cooperation with workers' and employers' organizations with regard to wage equality and on the results achieved.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

112. In its 2014 observation, the Committee recalled that for several years, it had been drawing the Government's attention to the fact that the legal measures in force at the time were inadequate to ensure the effective protection of workers against discrimination on all the grounds of discrimination enumerated in the Convention (including sex), at all stages of employment, including vocational training, recruitment and terms and conditions of employment, and to enable them to assert their rights in that respect. The Committee noted the Government's indications that the situation remained unchanged, as Parliament had not given effect to the interventions proposing the strengthening of protection against discrimination in the field of private law, including labour. The Committee requested the Government to take the necessary measures to establish an effective legal framework against any form of discrimination based, as a minimum, on all the grounds enumerated in the Convention, at all stages of employment and occupation, with a view to providing effective protection to workers and enabling them to obtain compensation.

113. The Committee noted the information provided by the Government on the federal programme "Equality of opportunities for women and men in higher specialized schools". Moreover, it observed that, according to the study published in June 2013 by the National Statistics Office "Towards equality between women and men (situation and trends)", the choice of occupation and the subjects studied were closely related to gender, with women choosing much more frequently than men to undertake studies in the fields of health, human and social sciences, and education.

114. In its 2014 direct request, the Committee noted that, according to the Government, since 2010 the courts and the conciliation authorities had had before them 30 new cases of sexual harassment at work based on the Gender Equality Act. It further noted that information was made available to the public by the Office for Equality between Women and Men, and that various prevention projects were being

implemented. The Committee encouraged the Government to continue its efforts to prevent harassment in employment and occupation, and requested it to provide information on any measures taken, in collaboration with the social partners, to prevent and combat sexual harassment in the private sector and in the public sector. It also requested the Government to indicate the measures adopted or envisaged to facilitate the access of victims of sexual harassment to judicial or conciliation procedures and to provide information on the penalties imposed and the compensation granted.

115. The Committee noted that the proportion of women in the federal administration increased in 2013, particularly at the middle management level. Women represented 30.2 per cent in wage classes 24 to 29 and 16.1 per cent in wage classes 30 to 38. The Committee further noted that the activity rate of women increased only slightly in 2013, 61.9 per cent, compared with 61.2 per cent in 2012. It also noted the information provided by the Government on the awareness-raising and information activities on equality between men and women, and the financial assistance provided under the terms of the Gender Equality Act to support projects on issues such as wage equality between men and women, the proportion of women in technical occupations, and part-time work for men and women. The Committee requested the Government to intensify its efforts to promote equality of opportunity and treatment in practice for women and men in employment and occupation, with an indication of the measures adopted for the effective elimination of obstacles to the employment of women, and particularly to combat sexist stereotypes concerning the professional capacities and aspirations of women, and to reconcile family and work responsibilities. The Committee encouraged the Government to continue its efforts to promote the employment of women in the federal administration, particularly in higher categories, and requested it to provide information on the measures adopted in that respect.

116. The Government has been requested to submit its first reports on Conventions No. 183 and No. 189 for examination by the Committee of Experts at its November-December 2016 session.